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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		YOR920030457US1	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR  on _____  Signature _____  Typed or printed name _____	Application Number	Filed	
	10/737,123	December 16, 2003	
	First Named Inventor		
	Wei Fan		
	Art Unit	Examiner	
	2167	Miranda Le	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor.	_____ /Duane N. Moore/ Signature	
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	_____ Duane N. Moore Typed or printed name	
<input checked="" type="checkbox"/>	attorney or agent of record. Registration number 53,352	_____ (410) 573-6501 Telephone number	
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34	_____ April 2, 2007 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:

Fan, et al.

Atty. Docket No.: YOR920030457US1

Serial No.: 10/737,123

Group Art Unit: 2167

Filed: December 16, 2003

Examiner: Le, Miranda

For: SYSTEM AND METHOD FOR ADAPTIVE PRUNING

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

This pre-appeal brief request is being submitted together with a notice of appeal and is in response to the Office Action mailed January 12, 2007, setting a three-month statutory period for response. Therefore, this request is timely filed.

Claims 1-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Venkayala, et al. (U.S. Publication No. 2003/0212679), hereinafter referred to as Venkayala, in view of Rosen, et al. (U.S. Patent No. 6,513,025), hereinafter referred to as Rosen. Applicants respectfully traverse these rejections based on the following discussion.

Applicants respectfully traverse these rejections because the rejections contain a clear error. More specifically, the references miss the claim element of “applying said

sub-ensemble, in place of said ensemble, to an example to make a prediction”, as defined in independent claims 1, 8, 15, 21, 28, and 35.

The Office Action argues that “a category associated with probability” teaches the “sub-ensemble” of the claimed invention; and, “a supervised model” teaches the “example” of the claimed invention (Office Action, p. 13, para. 1). However, Venkayala does not teach that the “category associated with probability” (which the Office Action asserts teaches the “sub-ensemble”) is applied to the “supervised model” (which the Office Action asserts teaches the “example”). Independent claims 1, 8, 15, 21, 28, and 35 define “applying said sub-ensemble, in place of said ensemble, to an example to make a prediction”.

Instead, in Venkayala “a record whose target value is unknown” is applied to the supervised model (Venkayala, para. 0030, stating that “applying to a supervised model a record whose target value is unknown”). As also discussed in paragraph 0003 of Venkayala, “[o]nce the model is built ... [i]t is then used to predict (or score) unknown class values of real-world records”. As further discussed in paragraph 0020 of Venkayala, “[i]f the model type is supervised ... it can be used to predict (or score) the class value of a record whose class is not known”.

In Venkayala, the application of the “record whose target value is unknown” to the supervised model results in a “score/prediction”, which is a “category associated with probability” (Venkayala, para. 0030, stating that “[a] score/prediction is a category associated with probability as the result of ...”).

Accordingly, contrary to the position taken in the Office Action, the “category associated with probability” is not a sub-ensemble that is applied to a supervised model; rather, the “category associated with probability” is a result of the application of “a record whose target value is unknown” to the supervised model in Venkayala.

In addition, the Advisory Action argues that the “topmost category” of Venkayala teaches the sub-ensembles of the claimed invention. Specifically, the Advisory Action asserts that “Venkayala discloses ‘ensemble’ as N categories, and ‘sub-ensembles’ as ‘a topmost category’” (Advisory Action, p. 2, item 1). The Advisory Action also argues that the “received input data” of Venkayala teaches the “example” of the claimed invention. Specifically, the Advisory Action asserts that “the received input data equates to an example of the claim” (Advisory Action, p. 2, item 2).

However, nothing within Venkayala teaches or suggests that the “topmost category” (which the Advisory Action asserts teaches the claimed “sub-ensemble”) is applied to the “received input data” (which the Advisory Action asserts teaches the claimed “example”), in place of the “N categories” (which the Advisory Action asserts teaches the claimed ensemble), to make a prediction. Instead, the “topmost category” merely comprises a portion of a “selection criterion”; and, the “received input data” is used for scoring in a transactional format, wherein input data tables are generated that include active attributes and source attributes. As such, Venkayala fails to teach or suggest the claimed feature of “applying said sub-ensemble, in place of said ensemble, to an example to make a prediction” (independent claims 1, 8, 15, 21, 28, and 35).

Please charge any deficiencies and credit any overpayments to Attorney's Deposit  
Account Number 50-0510.

Respectfully submitted,

Dated: April 2, 2007

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